Supreme Court, U.S.
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No. 92-159

In The

Supreme Court of the United States

October Term, 1992

JOSEPH MURPHY,

Petitioner,

v.

PATRICIA L. MURPHY,

Respondent.

Petition For Writ Of Certiorari
To The Supreme Court Of Pennsylvania

RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a defendant in a divorce action filed in July of 1983 who has absolute control of all of the marital assets, has refused to pay minimal support to his wife, forcing her onto welfare, has had eleven different lawyers representing him over an eight and one-half year period where he continually delayed proceedings, has taken numerous appeals to the Pennsylvania Superior Court and the Pennsylvania Supreme Court with the deliberate intention of delaying distribution of marital assets to his wife, and where no Federal issue was ever raised by his counsel, has been in any way deprived of constitutional rights.

STATEMENT OF THE CASE

In July of 1983, Patricia Murphy, after having been beaten by her husband and put in the hospital, and having been threatened after her release from the hospital that he would harm her to an even greater extent, filed a Complaint in Divorce and also secured an Order granting her "protection from abuse." From the time that the Complaint was first served on Joseph Murphy, he has been represented by attorneys, *eleven* in number, from firms in Cambria County, Pennsylvania, Indiana County, Pennsylvania, Westmoreland County, Pennsylvania, and Allegheny County, Pennsylvania. He now claims that he was cheated by all eleven lawyers or firms.

Patricia Murphy presented her testimony in less than one day, and all of the rest of the testimony, over a period of years, which covers hundreds of pages, was Joseph Murphy trying to hide the assets.

Joseph Murphy was found in contempt of court a number times, and in 1984, when he refused to obey another Court Order and was found in contempt, he appealed the finding to the Superior Court of Pennsylvania in a deliberate attempt to delay the proceedings. The Superior Court found him to be completely non-credible, and found against him, and he then filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania, which was refused.

Mr. Murphy continued with his delaying tactics for a number of years, had the case transferred to Indiana County, and when the Master in Divorce filed his voluminous report covering with great specificity each and every finding, three judges in the Indiana County Court

found Mr. Murphy not to be credible and approved the findings of the Master.

Mr. Murphy appealed that decision to the Superior Court, having previously filed another appeal for the purpose of delay, which was dismissed as interlocutory, and after argument before the Superior Court, Judge Cercone handed down a 16 page Opinion, once again noting that everyone found Mr. Murphy to be totally non-credible.

Mr. Murphy filed a Petition for Allowance of Appeal to the Pennsylvania Supreme Court, which was denied, and then filed a series of appeals, on a pro se basis, since no competent lawyer ever would have filed such appeals, which were "based" on Rules of Appellate Procedure that had no conceivable connection with the case. Every appeal was denied by the Supreme Court.

Joseph Murphy, after consistently claiming that he has no money whatsoever, states that he has paid his lawyers, who supposedly cheated him, "well over $200,000." A number of his lawyers were well-known members of the Bar of the Commonwealth of Pennsylvania, and his comments about his own lawyers are the type of continual irrational and untrue statements that he has made in this case over the years.

Since filing this Petition for Writ of Certiorari, he has once again filed another appeal to the Superior Court of Pennsylvania, which he has maligned constantly. To date he has filed a total of six appeals through counsel to the Pennsylvania Superior and Supreme Courts, and nine pro se, for a total of fifteen appeals other than this writ, and has properly been denied on each and every appeal.

ARGUMENT

Not one judge who ever had *any* contact with this case has been removed from the Bench. In addition, Joseph Murphy has abused the legal system of the Commonwealth of Pennsylvania to the point that he has turned this case into a "legal disgrace".

He has deliberately vilified a number of fine and prominent judges in the lower courts, five of whom at different times have examined his legal shenanigans, and found him to be non-credible, and several panels of the Pennsylvania Superior Court, as well as the entire Supreme Court of Pennsylvania, all have found him to be non-credible. His clear purpose is to delay distribution to his wife of her share of marital assets awarded to her.

Further, not one of the eleven lawyers who represented him ever took the position that his State or Federal civil rights were being violated in any fashion, either before the lower courts, before the Superior Court of Pennsylvania, or before the Supreme Court of Pennsylvania. It was only after Mr. Murphy decided to become his own lawyer, and saw that the Supreme Court of Pennsylvania was tired of his attempts to jerk them around, that he started to claim that his civil rights were being violated even though, in fact, he was the one who was violating every legal principal by which the law operates.

CONCLUSION

A Court appointed Master, five lower court judges, two different panels of the Superior Court of Pennsylvania, and the entire Supreme Court of Pennsylvania have found Mr. Murphy to be non-credible.

All of the judges and justices who have ever been involved with this case are highly regarded members of the judiciary, who have taken their obligations seriously, and they have given Mr. Murphy more leeway than he ever should have been allowed and put up with his antics to the point that they consistently had to threaten him with contempt of court on numerous occasions to secure even the slightest cooperation from him.

Finally, there never was a Federal issue presented since none ever existed, and the petition for a Writ of Certiorari should be denied.

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